

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

BARBARA J. BECKER, TRUSTEE FOR THE BARBARA J. BECKER LIVING TRUST, SP 2012-MV-021 Appl. under Sect(s). 8-923 of the Zoning Ordinance to permit fence greater than 4.0 ft. in height to remain in front yard of a corner lot. Located at 7216 Marine Dr., Alexandria, 22307, on approx. 16,124 sq. ft. of land zoned R-3. Mt. Vernon District. Tax Map 93-4 ((3)) (1) 33. Mr. Hart moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on July 11, 2012; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the property.
2. Based on the evidence presented, the applicant has satisfied the required standards for the special permit.
3. The overwhelming circumstance here is that the fence has been there for many years.
4. It also has significant vegetation behind it.
5. Whether the fence was there or not, the effect is the same.
6. The fence is not interfering with traffic safety or visibility or anything.
7. There is a contingency about the easement, and that will be addressed in the conditions.
8. Based on the imposition of the development condition dealing with the easement problem, any conceivable impact from the fence has been mitigated.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:


1. This special permit is approved for the location and maximum height of 6.0 feet of a wood fence, as shown on the plat prepared by Alexandria Surveys, LLC, dated November 2, 2011, as sealed through June 13, 2012, submitted with this application and is not transferable to other land.

2. The applicant shall assume all responsibility for repair and/or replacement of any portions of the fence which must be removed to accommodate demolition, grading, excavation, construction, utility installation, repairs and/or maintenance, and any work permitted or allowed by easements of record within the easement as shown on the special permit plat.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Mr. Smith seconded the motion, which carried by a vote of 7-0.

A Copy Teste:


Suzanne Frazier, Deputy Clerk
Board of Zoning Appeals